

## Prohibition Enforcement

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For those who executed the law, the surest method of enforcement was to shut off the supply of liquor at its source. But consider what this meant. The coastlines and land borders of the United States offered an 18,700-mile invitation to smugglers while thousands of druggists were permitted to sell alcohol on doctors' prescriptions and many more bootleggers were contributing to the flow of alcohol.<sup>1</sup>



<http://www.teachersparadise.com/ency/en/wikipedia/p/pr/prohibition.html>

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<sup>1</sup> Adapted from:

Allen, F. L. (n.d.). *Only Yesterday: An Informal History of the 1920s*. Retrieved August 12, 2010, from <http://xroads.virginia.edu/~Hyper/Allen/Cover.html>

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Kyvig, D. E. (2000). *Repealing National Prohibition*. Kent: The Kent State University Press.

January 7, 1931

## THE BAD START AND ITS RESULTS

It must be said that enforcement of the National Prohibition Act made a bad start which has affected enforcement ever since. Many things contributed to this bad start.

- The magnitude of the task was not appreciated. It seems to have been anticipated that the fact of the constitutional amendment and federal statute having put the federal government behind national prohibition would of itself operate largely to make the law effective. For a time, there appeared some warrant for this belief. But soon after 1921 a marked change took place. It became increasingly evident that violation was much easier and enforcement much more difficult than had been supposed. The means of enforcement provided proved increasingly inadequate. No survey of the difficulties [of enforcement] and consideration of how to meet them was undertaken, however, until violations had made such headway as to create a strong and growing public feeling of the futility of the law.
- A lack of experience of federal enforcement of a law of this sort. There was no federal police power and the use of federal powers for police purposes became important only in the present century. The existing federal machinery of law enforcement had not been set up for any such tasks and was ill adapted to those imposed upon it by the National Prohibition Act. But it was sought to adapt that machinery, or to let it find out how to adapt itself, without much prevision of the difficulties. Inadequate organization and equipment have resulted.
- Another cause was lack of coordination of the several federal agencies actually or potentially concerned in enforcing prohibition, and consequent relative failure of cooperation until attention was given to this matter within the past few years.
- Finally, enforcement was relied on in and of itself without any reinforcing activities to promote observance. After the passing of the National Prohibition Act, the educational activities toward a public opinion opposed to the use of intoxicating liquor gradually lost their impetus and largely became dormant. For a decade little or nothing has been done in this connection although such activities were peculiarly needed in an era of relaxing of standards of conduct and general free self-assertion. As a result too heavy a burden was put upon enforcement from the beginning and during the critical period in its history.

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<http://www.hugoblack.com/album/chapters5.html>

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Below is an excerpt about some of the challenges of enforcing Prohibition from the 1931 Report on the Enforcement of the Prohibition Laws of the United States. This report was conducted by the National Commission on Law Observance and Enforcement.

January 7, 1931

## THE BAD START AND ITS RESULTS

It must be said that enforcement of the National Prohibition Act made a bad start which has affected enforcement ever since. Many things contributed to this bad start:

- Federal administration has always been more unified than that of the states. Yet friction and want of cooperation in law enforcement has been a common phenomenon which the exigencies of enforcing prohibition have merely made more prominent. Our traditions of independent individual administration led to habits or tendencies of non-cooperation among administrative bureaus... Thus enforcement has fallen short of what it should have been partly because of this tradition and these habits of non-cooperation between department and department, bureau and bureau, and service and service.
- Another cause was the influence of politics. In the enforcement of prohibition politics intervened decisively from the beginning, both in the selection of the personnel of the enforcing organization and in the details of operation. This political interference was particularly bad some years ago in connection with the permit system. When inquiry was made into large scale violations, when [liquor] permits were sought by those not entitled to them, when attempt was made to revoke permits which had been abused, recourse was frequently had to local politicians to bring to bear political pressure whereby local enforcement activities were suspended or hampered or stopped. Nor was this the only source of interference. For some time over-zealous organizations, supporting the law, brought pressure to bear with respect to personnel and methods and even legislation which had unfortunate results. Only in the last few years has enforcement been reasonably emancipated from political interference.
- Constant changes in the statute and in the enforcing organization have also had an unfortunate effect. In eleven years the statute was amended or added to in important particulars four times. In consequence it may be claimed with good reason that administration of the law has not been as effective as it might have been.

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<http://prostandkim.blogspot.com/2007/08/whole-raft-of-prohibition-pictures.html>

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## CORRUPTION

As to corruption, it is sufficient to refer to the reported decisions of the courts during the past decade in all parts of the country, which reveal:

- A succession of prosecutions for conspiracies, sometimes involving the police, prosecuting and administrative organizations of whole communities
- The flagrant corruption disclosed in connection with diversions of industrial alcohol and unlawful production of beer
- The record of federal prohibition administration as to which cases of corruption have been continuous and corruption has appeared in services which in the past had been above suspicion
- The revelations as to police corruption in every type of municipality, large and small, throughout the decade
- The conditions as to prosecution revealed in surveys of criminal justice in many parts of the land
- The evidence of connection between corrupt local politics and gangs and the organized unlawful liquor traffic, and of systematic collection of tribute from that traffic for corrupt political purposes.

There have been other eras of corruption. Indeed, such eras are likely to follow wars. Also there was much corruption in connection with the regulation of the liquor traffic before prohibition. But the present regime of corruption in connection with the liquor traffic is operating in a new and larger field and is more extensive.

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## GROUP QUESTIONS

1. Outline the main factors which made of enforcing Prohibition a challenge:
2. Which factor(s) do you think most lead to corruption among those enforcing the law and why?
3. Which factor do you think was the MOST difficult to overcome in order to enforce the National Prohibition Act? Why? (If you cannot agree on one, please write down each group member's answer and justification)